

AMENDED IN SENATE MARCH 15, 2012

**SENATE BILL**

**No. 959**

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**Introduced by ~~Senators Lieu and Yee~~ Senator Lieu**  
(Coauthor: Assembly Member Portantino)

January 10, 2012

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An act to ~~amend Section 66602.5 of, and to add Section 89517.7 to,~~ the Education Code, relating to public postsecondary education *repeal Section 5318 of the Labor Code, relating to workers' compensation.*

LEGISLATIVE COUNSEL'S DIGEST

SB 959, as amended, Lieu. ~~Public postsecondary education: California State University: increases in tuition or fees: compensation. Workers' compensation: provider reimbursement: implantable medical devices, hardware, and instrumentation.~~

*Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment.*

*Existing law requires the administrative director, after public hearings, to adopt and revise periodically an official medical fee schedule to establish reasonable maximum fees paid for medical services, drugs and pharmacy services, health care facility fees, home health care, and all other treatment, care, services, and goods, other than physician services. Existing law separately requires reimbursement for certain implantable medical devices, hardware, and instrumentation, at the provider's documented paid cost, plus an additional 10%, plus sales tax, as specified. Under existing law, this reimbursement formula is operative only until the administrative director adopts a regulation specifying reimbursement for the designated items, as prescribed.*

*This bill would delete the above-described reimbursement specifications relating to implantable medical devices, hardware, and instrumentation.*

~~Existing law establishes the California State University, under the administration of the Trustees of the California State University, as one of the segments of public postsecondary education in the state.~~

~~Existing law, the Bagley-Keene Open Meeting Act (Bagley-Keene Act), generally requires, with specified exceptions for authorized closed sessions, that the meetings of state bodies be open and public and that all persons be permitted to attend. The Bagley-Keene Act also generally requires that the agenda for meetings provide an opportunity for members of the public to directly address the body of any item of interest to the public that is within the subject matter jurisdiction of the body. Each member of a state body who attends a meeting of that body in violation of any provision of the Bagley-Keene Act, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under the act, is guilty of a misdemeanor. Under existing law, all meetings of the trustees are subject to the Bagley-Keene Act, except with respect to the compensation of designated executive officers of the university, which is required to be acted upon in an open session.~~

~~This bill would prohibit the trustees from acting to increase the salary range of any university officer or employee or to increase the tuition or mandatory systemwide fees of university students except in an open public meeting properly noticed pursuant to the Bagley-Keene Act.~~

~~The bill would prohibit the trustees from awarding a president of a campus compensation, as defined, that exceeds 150% of the compensation of the Chief Justice of California, except if the Governor, by executive order, approves the individual president's compensation. The bill would prohibit the trustees from approving any increase in compensation for a president of a campus if an increase in tuition is scheduled to take effect in that fiscal year or has taken effect in either of the 2 prior fiscal years. The bill would require the trustees, when hiring a president of a campus, to give primary consideration to applicants currently employed by the California State University system and to secondarily give consideration to residents of California who are not employees of the system. The bill would provide that applicants who are neither residents of California nor employees of the system are to receive consideration after applicants who may be given primary and secondary consideration.~~

Vote: majority. Appropriation: no. Fiscal committee: *yes-no*.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 5318 of the Labor Code is repealed.~~

2     ~~5318.—(a) Implantable medical devices, hardware, and~~  
3 ~~instrumentation for Diagnostic Related Groups (DRGs) 004, 496,~~  
4 ~~497, 498, 519, and 520 shall be separately reimbursed at the~~  
5 ~~provider’s documented paid cost, plus an additional 10 percent of~~  
6 ~~the provider’s documented paid cost, not to exceed a maximum~~  
7 ~~of two hundred fifty dollars (\$250), plus any sales tax and shipping~~  
8 ~~and handling charges actually paid.~~

9     ~~(b) This section shall be operative only until the administrative~~  
10 ~~director adopts a regulation specifying separate reimbursement, if~~  
11 ~~any, for implantable medical hardware or instrumentation for~~  
12 ~~complex spinal surgeries.~~

13     ~~SECTION 1.—Section 66602.5 of the Education Code is~~  
14 ~~amended to read:~~

15     ~~66602.5.—(a) All meetings of the trustees shall, except as~~  
16 ~~otherwise provided in Section 66602.7, be subject to the~~  
17 ~~Bagley-Keene Open Meeting Act (Article 9 (commencing with~~  
18 ~~Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of~~  
19 ~~the Government Code).~~

20     ~~(b) The trustees shall not act to increase the salary range of any~~  
21 ~~university officer or employee or to increase the tuition or~~  
22 ~~mandatory systemwide fees of university students except in an~~  
23 ~~open public meeting properly noticed pursuant to the Bagley-Keene~~  
24 ~~Open Meeting Act.~~

25     ~~SEC. 2.—Section 89517.7 is added to the Education Code, to~~  
26 ~~read:~~

27     ~~89517.7.—(a) The trustees shall not award a president of a~~  
28 ~~campus compensation that exceeds 150 percent of the~~  
29 ~~compensation of the Chief Justice of California, except if the~~  
30 ~~Governor, by executive order, approves the individual president’s~~  
31 ~~compensation award.~~

32     ~~(b) The trustees shall not approve any increase in compensation~~  
33 ~~for a president of a campus if an increase in tuition is scheduled~~  
34 ~~to take effect in that fiscal year or has taken effect in either of the~~  
35 ~~two prior fiscal years.~~

1     ~~(e) When hiring a president of a campus, the trustees shall give~~  
2     ~~primary consideration to applicants currently employed by the~~  
3     ~~California State University system and then shall give secondary~~  
4     ~~consideration to applicants who are residents of California but are~~  
5     ~~not employees of the system. Applicants who are neither residents~~  
6     ~~of California nor employees of the system shall receive~~  
7     ~~consideration after applicants who may be given primary and~~  
8     ~~secondary consideration.~~

9     ~~(d) For purposes of this section, “compensation” includes, but~~  
10    ~~is not limited to, any taxable income or benefit, such as salary,~~  
11    ~~bonuses, or living allowances paid for with state moneys, including~~  
12    ~~moneys from a statewide or campus foundation or auxiliary~~  
13    ~~organization, as defined in Section 89901.~~